IN RE: PETITION FOR RESIDENTIAL

ZONING VARIANCE

S/S cul-de-sac Sue Creek Drive,

3270 ft. S of c/l Turkey Pt. Rd.

2029 Sue Creek Drive 15th Election District

5th Councilmanic District Robert V. Gothier, et ux

Petitioners

BEFORE THE

ZONING COMMISSIONER

OF BALTIMORE COUNTY

Case No. 95-474-A

*

* * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as an administrative variance filed by Robert V. Gothier and Deborah L. Gothier, his wife, for that property known as 2029 Sue Creek Drive in the Sue Creek Landing subdivision of Baltimore County. The Petitioners/property owners herein seek a variance from Sections 1B02.3.B and 504 of the Baltimore County Zoning Regulations (BCZR) to permit a rear yard of 29 ft., in lieu of the required 35 ft., and to amend the Final Development Plan of Sue Creek Landing, Plat 3, for a proposed addition. The property and relief sought are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should, therefore, be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits

CADER CECENED FOR FILING
Date

The formal

submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

This property is located within the Chesapeake Bay Critical Area and is subject to compliance with the recommendations made by the Department of Environmental Protection and Resource Management (DEPRM), pursuant to Section 500.14 of the Baltimore County Zoning Regulations (BCZR) dated June 19 and July 11, 1995. The relief granted herein shall be conditioned upon Petitioner's compliance with said findings.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this Aday of July, 1995 that the Petition for a Zoning Variance from Section 1802.3.B and 504 of the Baltimore County Zoning Regulations (BCZR) to permit a rear yard of 29 ft., in lieu of the required 35 ft., and to amend the Final Development Plan of Sue Creek Landing, Plat 3, for a proposed addition, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2. The Petitioners shall comply with all requirements of the Department of Environmental Protection and Resource Management as set forth in their comments dated June 19 and July 11, 1995.

LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County

LES:mmn

ADER RECEIVED FOR FILING

-3-

Baltimore County Government Zoning Commissioner Office of Planning and Zoning



Suite 112 Courthouse 400 Washington Avenue Towson, MD 21204

(410) 887-4386

July 20, 1995

Mr. and Mrs. Robert V. Gothier 2029 Sue Creek Drive Essex, Maryland 21221

> RE: Petition for Administrative Zoning Variance Case No. 95-474-A Property: 2029 Sue Creek Drive

Dear Mr. and Mrs. Gothier:

Enclosed please find the decision rendered in the above captioned case. The Petition for an Administrative Variance has been granted, with restrictions, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3353.

Very truly yours,

Lawrence E. Schmidt Zoning Commissioner

LES:mmn encl.

4 4 1 0 0

MICROFILMEL

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

	#2029		ek Drive	<u> </u>		
	Essex,	Balto.	. Co. MI	21221	_	
	City		State		Zip Code	
That based upon personal knowledge, the followariance at the above address: (indicate hardship or	practical difficulty)		/			
We wish to build an	addition ·	to the h	nouse wh	nich fronts	to Sue	Cre
which would encreach over	the rear	yard se	tback.	Therefore	we are	
requesting a variance to	allow the	new add	dition.			
		\times				
	/	$\overline{}$	<u> </u>			
						
nay be required to provide additional informat			A	1,6	111	
(signature) Robert V. Gothier (type or print name) STATE OF MARYLAND, COUNTY OF BAL' I HEREBY CERTIFY, this15th_ day of of Maryland, in and for the County aforesaid, p	June		·	ine) fore me, a Notary		State
Robert V. Gothier (type or print name) STATE OF MARYLAND, COUNTY OF BAL I HEREBY CERTIFY, this15th day of of Maryland, in and for the County aforesaid, propert V. Gothier	June personally appear	ed Deboral	Debora (type or print ne	one) fore me, a Notary chier	Public of the	
Robert V. Gothier (type or print name) STATE OF MARYLAND, COUNTY OF BAL I HEREBY CERTIFY, this15th_ day of of Maryland, in and for the County aforesaid, p Robert V. Gothier	June personally appear	ned	Debora (type or print ne	fore me, a Notary	Public of the	
Robert V. Gothier (type or print name) STATE OF MARYLAND, COUNTY OF BAL' I HEREBY CERTIFY, this 15th day of of Maryland, in and for the County aforesaid, probert V. Gothier the Affiants(s) herein, personally known or sat that the matters and facts hereinabove set forth AS WITNESS my hand and Notarial Seal.	June personally appear	ned	Debora (type or print ne 19 95 , be 1 L. Got uch Affiantt est of his/her.	fore me, a Notary thier (s), and made oatl their knowledge a	Public of the	
Robert V. Gothier STATE OF MARYLAND, COUNTY OF BAL' I HEREBY CERTIFY, this15th day of of Maryland, in and for the County aforesaid, probert V. Gothier the Affiants(s) herein, personally known or sat that the matters and facts hereinabove set forther	June personally appears isfactorily identifi h are true and cor	ned	Deborative or print not pr	fore me, a Notary thier (s), and made oatl their knowledge a	Public of the	

My Commission Expires:



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at

#2029 SUE CREEK DRIVE

which is presently zoned

DR. 5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

Property is to be posted and advertised as prescribed by Zoning Regulations.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1802.3.B, and 504,

Section V.B.5.a. (C.M.P.D.) For a rear yard of 29' in lieu of the required 35' and to amend the FDP of Suc Creek Landing, Plat 3

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

We wish to build an addition to the house which fronts to Sue Creek which would encroach over the rear yard setback. Therefore we are requesting a variance to allow the new addition.

	Sworn and subscribed bef	192/	SHEILA HER. Harrisburg, B. We Company reclare and affirm, under the penal es of perjury, that I/w Lecal owner(s) of the properly which is the subjected the Petition.	e aro t
Contract Purchas	ser/Lessee:		Legal Owner(s):	
Type or Print Na	ime)		Robert V. Gothier (Type or Print Name) Signafure	
			Deborah L. Gothier	
Address	State	Zipcode	Signature Tal Total	
Attorney for Petit			2029 Sue Creek Drive (410)-391-	948
Type or Print Na	ame)		Essex, Balto. Co. MD. 21221	ode
Signature			Name, Address and phone number of representative to be contacted	
Address	Phone	No.	Name	
City \	State	Zipcode	, Address Phone No.	—



REVIEWED BY: WILL DATE: 6/21/95
ESTIMATED POSTING DATE: 7/2/95

circulation throughout Baltimore County, and that the property be reposted.



Printed with Soybean Ink on Recycled Paper ITEM #: 474

Zoning Commissioner of Baltimore County

MICROFILMILL

RAPHEL & ASSOC. INC. 95-474-A

Registered Land Surveyor 205 Courtland Avenue Towson, Maryland 21204

Phone: (410) 825-3908

Fax: (410) 825-1331

Description To Accompany Petition For Zoning Variance # 2029 Sue Creek Drive

Beginning for the same on the southern right-of-way line of the Cul-de-sac of Sue Creek Drive, at the division line of lot 98 and 99 as shown on the plat entitled "Plat 3, Sue Creek Landing", said point being located southeasterly 3270'+/- along the center line of Sue Creek Drive, and S 7'-07'-03" E 50' from the intersection formed by the center line of Turkey Point Road and the center line of Sue Creek Drive, being all of Lot 99 as shown on the plat entitled "Plat 3, Sue Creek Landing" and recorded among the land records of Baltimore County in Plat Book EHK Jr. 48, folio 8 and containing 0.234 acres of land more or less. Also know as #2029 Sue Creek Drive and located in the 15th election District.

HEADER IN THE STATE OF

#474

ZONING DEPARTMENT OF BALTIMORE COUNTY 95-474-A

Tower, Maryland

Posted for: Variance	Date of Posting 7/1/95
Petitioner: Robert & Deh Gath	1.ex
Location of property: 2029 Sus Cres	Drille
Location of Signs: Taking Woodway	on froperty being town
Remarks:	
Posted by Missing Signature	Data of return: 7/7/95
Number of Signs:	

BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT

MO.

003610

DATE 6/21/95 ACCOUNT 61-615
DATE 6/21/95 ACCOUNT 6/- 6/3 010 Armin Var - \$ 50.04 ,030-5p Heighton
AMOUNT (\$ 70/21 - 4/350 CT)
RECEIVED Gothier, Robert - 2029 Suc Cicil Dine
Taken In By: mok
FOR: Allmin Va, SPH, + Sign (Item 474)
91") 03A03#0.L12MICHRC \$135.00 BA COLL:19AM06-21-95
OF GACHIER

VALIDATION OR SIGNATURE OF CASHIER

OISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER





111 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper. NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For pourpose advoctiging.
For newspaper advertising: Item No.: 474
Petitioner: Gothier, Robert V. Location: 2029 Suc Creek Drive
PLEASE FORWARD ADVERTISING BILL TO:
NAME: Gothice, Robert V.
ADDRESS: 2029 Suc Creek Drive
Essex, mp. 21221
PHONE NUMBER: (410) 391-9480

AJ:ggs

(Revised 04/09/93)



Baltimore County Government Office of Zoning Administration and Development Management



111 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353

June 27, 1995

NOTICE OF CASE NUMBER ASSIGNMENT

Re;

CASE NUMBER: 95-474-A (Item 474)

2029 Sue Creek Drive

S/S cul-de-sac Sue Creek Drive, 3270' S of c/l Turkey Point Road

15th Election District - 5th Councilmanic

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Contact made with this office regarding the status of this case should reference the case number and be directed to 887-3391. This notice also serves as a refresher regarding the administrative process.

- 1) Your property will be posted on or before July 2, 1995. The closing date (July 17, 1995) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. They may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.
- 2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reposted and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reposting and newspaper advertising are payable by the petitioner(s).
- 3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$60.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

Arnold Jablon Director

Department of Permits and Development Management

cc: Robert and Deborah Gothier

British (Comment





111 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353

July 10, 1995

Mr. and Mrs. Robert V. Gothier 2029 Sue Creek drive Baltimore, Maryland 21221

RE: Item No.: 474

Case No.: 95-474-A

Petitioner: R. V. Gothier

Dear Mr. and Mrs. Gothier:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on June 21, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Zoning Supervisor

WCR/jw Attachment(s)

Printed with Soybean Ink on Recycled Paper

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director, ZADM DATE: July 5, 1995					
FROM: Pat Keller, Director, OPZ					
SUBJECT: 2029 Sue Creek Drive					
INFORMATION:					
Item Number:	474				
Petitioner:	Gothier Property				
Property Size:					-
Zoning:	DR-5.5			P	
Requested Action:	Administrative Variance				•
Hearing Date: / /					
CHAMANA OF DECOMPANYANG.					

SUMMARY OF RECOMMENDATIONS:

The applicant requests a variance to permit a setback of 29' in lieu of the required 35', and an amendment to the FDP for Sue Creek Landing.

Pursuant to Section 1B01.3A.7b(1) of the BCZR, the Director of the Office of Planning finds that the proposed amendment is in accordance with the specific standards and requirements of BCZR Article (1B) and other provisions of the CMDP.

While staff does not oppose the applicant's variance request, it is clear that the petitioner will need to satisfy the burden imposed upon them to prove practical difficulty and/or unreasonable hardship to justify the granting of the subject variance.

Prepared by: Jeffy W And
Division Chief: Oan L. Llung

PK/JL

Baltimore County Government Fire Department





ZADM

(410) 887-4500

700 East Joppa Road Suite 901 Towson, MD 21286-5500

DATE: 07/03/95

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF JUL. 03, 1995.

Item No.: SEE BELOW Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

B. The Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 468, 469, 473, 474, 475, 476 AND 477

REVIEWER: LT. ROBERT P. SAUERWALD

Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

MICROFILMEL





Maryland Dep ment of Transportation State Highway Administration

Ms. Joyce Watson Zoning Administration and Development Management County Office Building Room 109 111 W. Chesapeake Avenue Towson, Maryland 21204

Rc:

Baltimore County
Item No.: 474 (MJK)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours, 306 Small

Ronald Burns, Chief Engineering Access Permits

Division

BS/

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO:

Mr. Arnold Jablon, Director

Zoning Administration and Development Management

FROM:

J. Lawrence Pilson (1) Development Coordinator, DEPRM

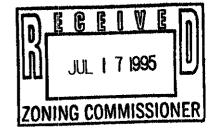
SUBJECT:

Zoning Item #474

Gothier Property, 2029 Sue Creek Drive

Zoning Advisory Committee Meeting of July 3, 1995

July 11, 1995



The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

This property must comply with the conditions of the Critical Area Administrative Variance dated June 19, 1995 (see attached letter).

JLP:jbm

c: Robert V. & Deborah L. Gothier

GOTHIER/DEPRM/TXTSBP

- LATE = 95-474-A CLOSING 7/1/95



Baltimore County
Department of Environmental Protection
and Resource Management

Office of the Director 401 Bosley Avenue, Suite 416 Towson, Maryland 21204 (410) 887-3733

Fax: (410) 887-4804

June 19, 1995

FILE COPY

Mr. Harvey Bull Raphel & Associates, Inc. 205 Courtland Avenue Baltimore, MD 21204

Re: 2029 Sue Creek Drive

Critical Area Administrative Variance

Dear Mr. Bull:

The Department of Environmental Protection and Resource Management (DEPRM) has received your variance request to construct a 651 square foot addition to the front and rear of an existing dwelling in the 100 foot buffer to Sue Creek. The Director of DEPRM may grant a variance to the Chesapeake Bay Critical Area regulations in accordance with regulations adopted by the Critical Area Commission concerning variances as set forth in COMAR 27.01.11. There are five (5) criteria listed in COMAR 27.01.11 that shall be used to evaluate the variance request. All five of the criteria must be met in order to approve the variance.

The first criterion requires that special conditions exist that are peculiar to the land or structure, and that literal enforcement of the regulations would result in unwarranted hardship. The majority of the lot and the existing dwelling are located within the 100 foot buffer and no alternative exists to locate outside the buffer; therefore, literal enforcement of the regulations would result in unwarranted hardship.

The second criterion requires that a literal enforcement of the regulations would deprive the applicant of rights commonly enjoyed by other properties in similar areas within the Critical Area. Variance requests involving similar structures and circumstances have been granted by this Department; therefore, literal enforcement of the regulations would deprive the applicant of rights commonly enjoyed by other properties in similar areas within the Critical Area.

34 34

MICROFILMED

Mr. Harvey Bull June 19, 1995 Page 2

The third criterion requires that granting of a variance will not confer upon an applicant any special privilege that would be denied to other lands or structures within the Critical Area. As previously stated, similar lands and structures which have been the subject of similar variance requests were granted variances; therefore, granting this variance will not confer any special privilege that would be denied to similar properties.

The fourth criterion requires that a variance is not based upon conditions or circumstances which are the result of actions by the applicant, nor does the request arise from any condition relating to land or building use, either permitted or non-conforming, on any neighboring property. No conditions or circumstances resulting from actions by you exist which are necessitating this variance; therefore, this criterion is met.

The fifth criterion requires that granting of the variance will not adversely affect water quality or adversely impact fish, wildlife, or plant habitat within the Critical Area, and that the granting of the variance will be in harmony with the general spirit and intent of the Critical Area regulations. The granting of this variance will not adversely affect water quality or adversely impact fish, wildlife, or plant habitat. A single family dwelling already exists in the buffer and the addition will be to this existing structure.

Based upon our review, it is this Department's findings that the first four of the above criteria have been met, and that the fifth criterion can be met by adhering to conditions #2 through #4 below. Therefore, the requested variance is hereby approved in accordance with Section 26-445(c) of the Baltimore County Code with the following conditions:

The attached "Notice of Granting of Variance" must be published in either The Avenue or The Dundalk Eagle. Final variance approval cannot be granted until fifteen (15) calendar days after the notice has been published. A copy of the Certificate of Publication for the advertisement issued by the newspaper, or a copy of the advertisement from the paper must be submitted to this office prior to receiving final variance approval.

Mr. Harvey Bull June 19, 1995 Page 3

- Two large deciduous trees and four shrubs shall be planted on the waterside of the proposed dwelling (see enclosed plant list with suggested species).
- 3. All downspouts shall discharge to lawn or other vegetated ground.
- 4. A revised plan addressing conditions #2 and #3 and including the following note must be submitted prior to final variance approval. "There shall be no clearing, grading, construction, or disturbance of vegetation in the 100 foot tidal buffer other than mowing, except as permitted by the Baltimore County Department of Environmental Protection and Resource Management."

Please sign the statement below and then return a copy of the Certificate of Publication, the revised plot plan, and the letter to this Department C/O Ms. Patricia M. Farr of Environmental Impact Review. Failure to return a signed copy of this letter and the other two items may result in delays in processing of permits or other development plans for the subject property, and/or may render this variance null and void.

If you have questions regarding this project, please contact Ms. Tami Long at (410) 887-3980.

Sincerely yours,

JJD/TJL/jbm

c: Ms. Lisa A. Hoerger, CBCA Commission Ms. Patricia M. Farr

I/WE HAVE READ AND AGREE TO IMPLEMENT THE ABOVE REQUIREMENTS TO BRING MY/OUR PROPERTY INTO COMPLIANCE WITH CHESAPEAKE BAY CRITICAL AREA REGULATIONS.

Signature Date Signature Date

A Company of the second

PROTECTION AND RESOURCE MANAGEMENT

NOTICE OF GRANTING OF VARIANCE

ADDRESS:

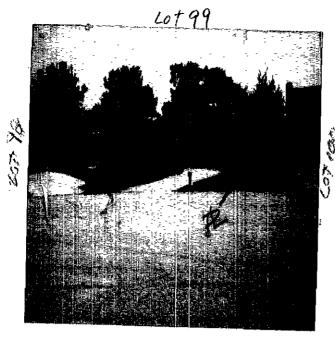
2029 Sue Creek

LEGAL OWNER: Robert V. Gothier

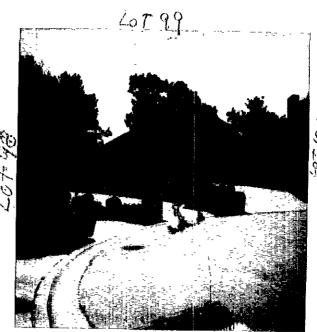
The Baltimore County Department of Environmental Protection and Resource Management, pursuant to Section 26-445(c) of the Baltimore County Code, hereby gives notice that a variance from Section 26-449 of the Code, Chesapeake Bay Critical Area Requirements, will be granted for the purpose of constructing an addition on the front and rear of the above-referenced existing dwelling in the 100 foot buffer to Sue Creek. Any person or persons, jointly or severally, or any taxpayer aggrieved or feeling aggrieved by this decision, may appeal to the Baltimore County Board of Appeals within forty-five (45) days from the date of this notice. Appeals must be made in writing, stating the reason for appeal, and must be mailed to Environmental Impact Review, Baltimore County Department of Environmental Protection and Resource Management, 401 Bosley Avenue, Suite 416, Towson, Maryland 21204. All appeals must be accompanied by a check for \$75.00 payable to Baltimore County Government.

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SUECREEK/DEPRM/WQCBCA



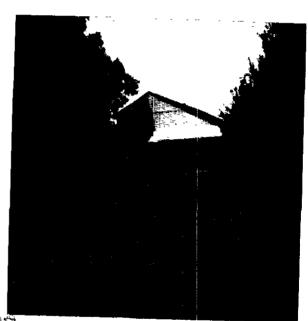
FROM CULTERSAC, SUE
CREEK DRIVE



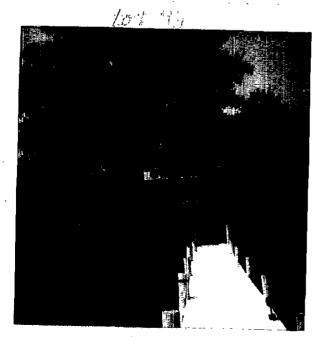
#2 LOOKING TO FRONT of HOUSE FROM CUL-DE-SAC OF SUE CREEK DRIVE



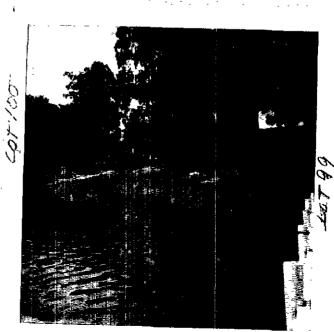
#4 LOOKING at REAR, OR WATERFRONT OF HOUSE FROM LOT 98 SIDE



COKING at REAR, OR WATER FROMT OF HOUSE FROM Lot 98 5105



#6 STANDING ON DIER, .
LOOKING TO SUBJECT LOT



#5 STANDING ON PIER, LOOKING TOWARD LOT 99/100



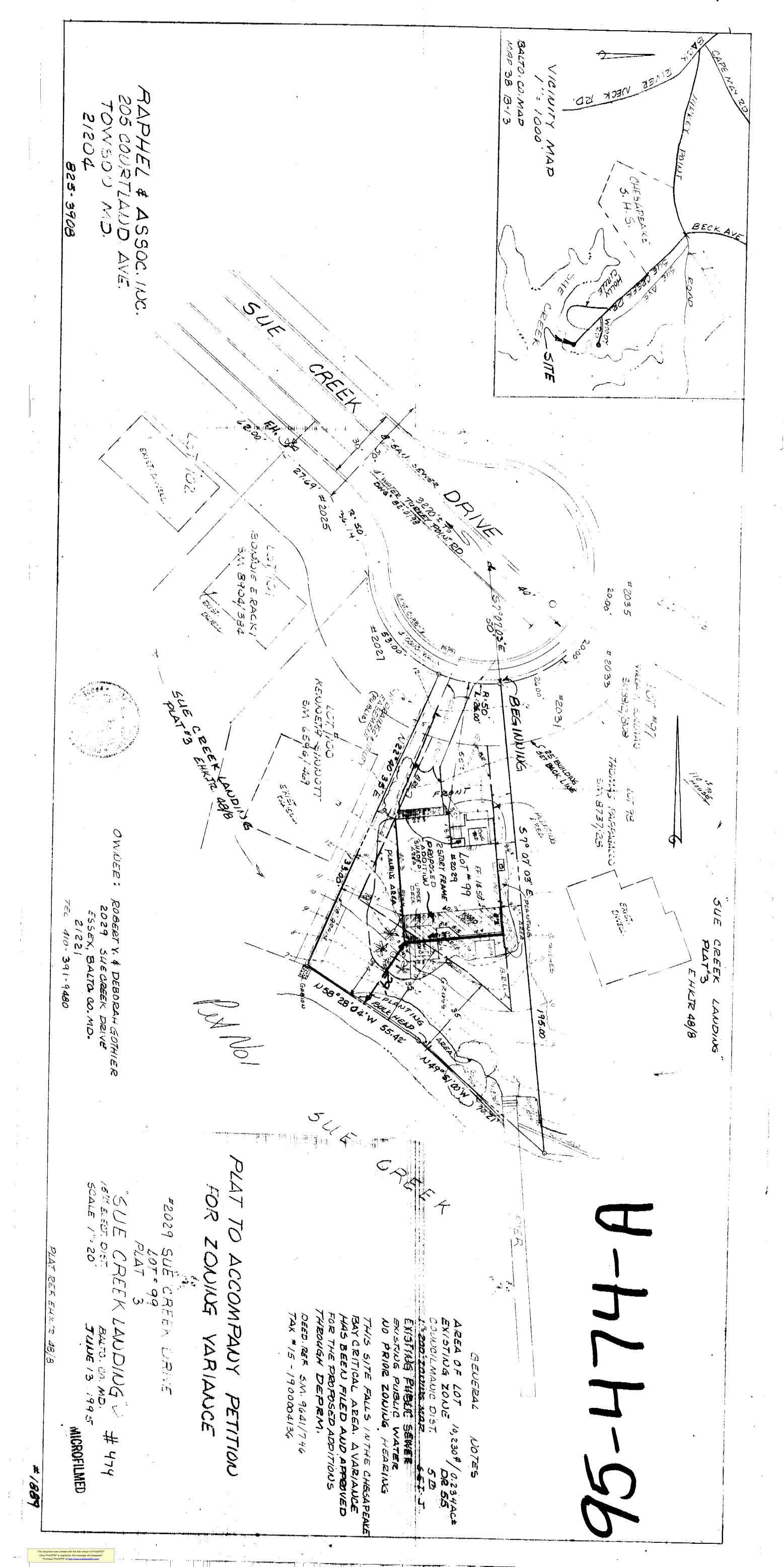
#7 STANDING on PIGIZ, LOOKING To Lot 99/98

THIS SITE FALLS INTHE CHESAPEAKE BAY CRITICAL AREA. AVARIANCE HAS BEEN FILED AND APPENED 10,230# / 0.234AC# 57. 57. 50. 50. 50. 50. 50. 50. MICROFILMED hLh # NO PRIOR ZOWING MEARING FOR THE PROPOSITO ADDITIONS NOTES EXISTING PUBLIC SEWER SM. 9641/746 AREA OF LOT 10,2 EXISTING ZONJE 33JNOLMANIC DIST. 1"=200 ZODING MAP DEED 26 5 5M. 9641/7 74x # 15 - 1900004136 GEVERAL THEOUGHT #2029 STALE \<u>\`</u> \\$\> \$ DEBOOL . FOTHIER -58.50 N. 20.82.85. LANDING 195.00 84170 W. M.D. - 030 A EHKJR 48/8 Sarabia 3-1:-9480 3.86.7 CREEK PLAT"3 ROBERT Y. 2029 S Ø Ø ONNER 70 07 25.00 and 1 12024 ν 2 π #2035 2020 JAY S りのマ CHESTORY $|\mathbf{f}\rangle$ BECKARE 7 925-205 84470, CO.MAD NAP 38 B-13 120.

OFFICE OF PLANNING AND ZONING PHOTOGRAPHIC MAP

TURKEY POINT

twith the trial version of Print2PDFI rest, this message will disappear!



FINDINGS OF FACT AND CONCLUSIONS OF LAW

* * * * * * * * * *

This matter comes before the Zoning Commissioner as an administrative variance filed by Robert V. Gothier and Deborah L. Gothier, his wife, for that property known as 2029 Sue Creek Drive in the Sue Creek Landing subdivision of Baltimore County. The Petitioners/property owners herein seek a variance from Sections 1802.3.B and 504 of the Baltimore County Zoning Regulations (BCZR) to permit a rear yard of 29 ft., in lieu of the reguired 35 ft., and to amend the Final Development Plan of Sue Creek Landing, Plat 3, for a proposed addition. The property and relief sought are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition.

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submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

This property is located within the Chesapeake Bay Critical Area and is subject to compliance with the recommendations made by the Department of Environmental Protection and Resource Management (DEPRM), pursuant to Section 500.14 of the Baltimore County Zoning Regulations (BCZR) dated June 19 and July 11, 1995. The relief granted herein shall be conditioned upon Petitioner's compliance with said findings.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above the requested variance should be granted.

THEREFORE, IT IS OPPERED by the Zoning Commissioner for Baltimore County this 2 day of July, 1995 that the Petition for a Zoning Variance from Section 1B02.3.B and 504 of the Baltimore County Zoning Regulations (BCZR) to permit a rear yard of 29 ft., in lieu of the required 35 ft., and to amend the Final Development Plan of Sue Creek Landing, Plat 3, for a proposed addition, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

> 1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original

2. The Petitioners shall comply with all requirements of the Department of Environmental Protection and Resource Management as set forth in their comments dated June 19 and July 11, 1995.

> LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County

LES:mmn

Baltimore County Government Zoning Commissioner
Office of Planning and Zoning

Suite 112 Courthouse 400 Washington Avenue Towson, MD 21204

(410) 887-4386

July 20, 1995

Mr. and Mrs. Robert V. Gothier 2029 Sue Creek Drive Essex, Maryland 21221

> RE: Petition for Administrative Zoning Variance Case No. 95-474-A Property: 2029 Sue Creek Drive

Dear Mr. and Mrs. Gothier:

Enclosed please find the decision rendered in the above captioned case. The Petition for an Administrative Variance has been granted, with restrictions, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3353.

> Very truly yours, Lawrence E. Schmidt Zoning Commissioner

LES:mmn

Petition for Administrative Variance to the Zoning Commissioner of Baltimore County for the property located at #2029 SUE CREEK DRIVE

which is presently zoned

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached herete and made a part hereof, hereby petition for a Variance from Section(s) 1802.3.8, and 504, Section V.B.5.a. (C.M.P.D.) For a rear yard of 29' in lieu of the required 35' and to amend the FIDP of Suc Creek Landing, Plat 3

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County: for the following reasons: (indicate hardship or practical difficulty) We wish to build an addition to the house which fronts to Sue Creek

which would encroach over the rear yard setback. Therefore we are requesting a variance to allow the new addition.

I, or we, agree to be bound by the	o be posted and advertised as prescribed to pay expenses of above Variance advertising, post zoning regulations and restrictions of Baltimore Con Swpra and subscribed before matching day of 19	by Zoning Regulations. Ing. etc., upon filing of this petition, and further agree to and are to unity adopted nursuant to the Zoning Law for Baltimore County. SHEILA HES. Harrisburg, L. We ge minimum declare and affirm, under the penalties of perjury, that I/we are the penalties of perjury that I/we are the penalties of pena
Contract Purchaser/Le	esse e :	Legal Owner(s):
(Type or Print Name)		Robert V. Gothier (Type or Pont Name) Signature
Jighaidre		Deborah L. Gothier
Address		(Type or Print Name)
	State Zipcode	Signature

Essex, Balto. Co. MD. 21221
State Zipcode

Name. Address and phone number of representative—to be contacted

that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Battimore County, in two newspapers of general circulation throughout Battimore County, and that the property be reposted.

Zaning Commissioner of Baltimore County

ITEM #: 474

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto. That the Affiant(s) does/do presently reside at ____ #2029 Sue Creek Drive

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative

We wish to build an addition to the house which fronts to Sue Creek which would encroach over the rear yard setback. Therefore we are requesting a variance to allow the new addition.

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

, 19 95 , before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared Robert V. Gothier Deborah L. Gothier the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiants(s), and made oath in due form of law that the matters and facts bereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal. 6-15-95

My Commission Expires: 5-4-98 • RAPHEL & ASSOC. INC. 95-474-A

Registered Land Surveyor 205 Courtland Avenue Towson, Maryland 21204

Phone: (410) 825-3908

Fax: (410) 825-1331

Description To Accompany Petition For Zoning Variance # 2029 Sue Creek Drive

Beginning for the same on the southern right-of-way line of the Cul-de-sac of Sue Creek Drive, at the division line of lot 98 and 99 as shown on the plat entitled "Plat 3, Sue Creek Landing ", said point being located southeasterly 3270'+/- along the center line of Sue Creek Drive, and S 7'-07'-03" E 50' from the intersection formed by the center line of Turkey Point Road and the center line of Sue Creek Drive, being all of Lot 99 as shown on the plat entitled "Plat 3, Sue Creek Landing " and recorded among the land records of Baltimore County in Plat Book EHK Jr. 48, folio 8 and containing 0.234 acres of land more or less. Also know as #2029 Sue Creek Drive and located in the 15th election District.

Posted for: Variones	Date of Posting 7/1/95
Posted for: Variones	
Petitioner: Robert & D. h. 6	ette Lex
Location of property: 2019 Su- Cy	est Duls
Location of Signer Tauray Pooling	ly on property being tous
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Remarks:	
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OFFICE OF FINANCE - REVENUE DIVISION 003610 MISCELLANEOUS CASH RECEIPT ACCOUNT 01-615 010 Admin Var. - \$ 50.00, 030-5p. Hory - \$50.00 AMOUNT (\$ TOTAL . \$135.CT) FROM: __ Robert - 2029 Sec Creek Drive Takin In By: 2000K FOR Almin Var. SPH + Sign (Item 474) 03A03#0112MICHRC BA C011:19AHO6-21-95

VALIDATION OR SIGNATURE OF CASHIER

ESTIMATED POSTING DATE 7/2/45

111 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

 Posting fees will be accessed and paid to this office at the time of filing.

2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper. NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

For newspaper advertising:

Item No.: 474 Petitioner: Gothier, Robert V.

Location: 2029 Suc Creek Drive

PLEASE FORWARD ADVERTISING BILL TO: NAME: Gothic, Robert V.

ADDRESS: 2029 Suc Creek Drive Essex, mo. 21221

PHONE NUMBER: (410) 391-9480

(Revised 04/09/93)

Baltimore County Government Office of Zoning Administration and Development Management



111 West Chesapeake Avenue Towson, MD 21204

June 27, 1995

(410) 887-3353

O. James Lighthizer Secretary Hal Kassoll

Administrator

NOTICE OF CASE NUMBER ASSIGNMENT

CASE NUMBER: 95-474-A (Item 474) 2029 Sue Creek Drive S/S cul-de-sac Sue Creek Drive, 3270' S of c/l Turkey Point Road 15th Election District - 5th Councilmanic

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Contact made with this office regarding the status of this case should reference the case number and be <u>directed to 887-3391</u>. This notice also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before July 2, 1995. The closing date (July 17, 1995) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. They may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written rotification as to whether or not your petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reposted and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reposting and newspaper advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$60.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

Department of Permits and Development Management

cc: Robert and Deborah Gothier

Baltimore County Government Office of Zoning Administration and Development Management



111 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353

July 10, 1995

Mr. and Mrs. Robert V. Gothier 2029 Sue Creek drive Baitimore, Maryland 21221

> RE: Item No.: 474 Case No.: 95-474-A Petitioner: R. V. Gothier

Dear Mr. and Mrs. Gothier:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on June 21, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

Mr. Arnold Jablon, Director

Development Coordinator, DEPRM

Gothier Property, 2029 Sue Creek Drive

Zoning Advisory Committee Meeting of July 3, 1995

offers the following comments on the above-referenced zoning item:

The Department of Environmental Protection and Resource Management

This property must comply with the conditions of the Critical Area

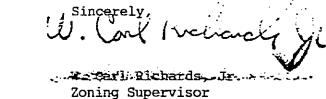
Administrative Variance dated June 19, 1995 (see attached letter).

Zoning Administration and

Development Management

J. Lawrence Pilson

SUBJECT: Zoning Item #474



WCR/jw Attachment(s)

Printed with Soybean Inl on Recycled Paper

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: July 5, 1995

TO: Arnold Jablon, Director, ZADM

FROM: Pat Keller, Director, OPZ

SUBJECT: 2029 Sue Creek Drive

INFORMATION:

Item Number: Petitioner:

Property Size:

Zoning:

Administrative Variance

Gothier Property

SUMMARY OF RECOMMENDATIONS:

The applicant requests a variance to permit a setback of 29' in lieu of the required 35', and an amendment to the FDP for Sue Creek Landing.

Pursuant to Section 1B01.3A.7b(1) of the BCZR, the Director of the Office of Planning finds that the proposed amendment is in accordance with the specific standards and requirements of BCZR Article (1B) and other provisions of the CMDP.

While staff does not oppose the applicant's variance request, it is clear that the petitioner will need to satisfy the burden imposed upon them to prove practical difficulty and/or unreasonable hardship to justify the granting of the subject variance.

ITEM474/PZONE/ZAC1

Baltimore County Government Fire Department

700 East Joppa Road Suite 901 Towson, MD 21286-5500

DATE: 07/03/95

Arnold Jablon Director Zoning Administration and Development Management Baltimore County Office Building Towson, MD 21204 MAIL STOP-1105

RE: Property Owner: SEE BELOW LOCATION: DISTRIBUTION MEETING OF JUL. 03, 1995.

Item No.: SEE BELOW Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

B. The Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 468, 469, 473, 474, 475, 476 AND 477

REVIEWER: LT. ROBERT P. SAUERWALD Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File



ZADM

(410) 887-4500

Ms. Joyce Watson Zoning Administration and Development Management

County Office Building Room 109 111 W. Chesapeake Avenue Towson, Maryland 21204

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Engineering Access Permits

14

Re: Baltimore County

JLP:jbm c: Robert V. & Deborah L. Gothjer GOTHIER/DEPRM/TXTSBP

- LATE = CLOSING 7/1/95

July 11, 1995

JUL | 7 1995

ZONING COMMISSIONER

Baltimore County
Department of Environments
and Resource Management Department of Environmental Protection Office of the Director 401 Bosley Avenue, Suite 416 Towson, Maryland 21204 (410) 887-3733 Fax: (410) 887-4804

June 19, 1995

FILE COPY

Mr. Harvey Bull Raphel & Associates, Inc. 205 Courtland Avenue Baltimore, MD 21204

> Re: 2029 Sue Creek Drive Critical Area Administrative Variance

Dear Mr. Bull:

The Department of Environmental Protection and Resource Management (DEPRM) has received your variance request to construct a 651 square foot addition to the front and rear of an existing dwelling in the 100 foot buffer to Sue Creek. The Director of DEPRM may grant a variance to the Chesapeake Bay Critical Area regulations in accordance with regulations adopted by the Critical Area Commission concerning variances as set forth in COMAR 27.01.11. There are five (5) criteria listed in COMAR 27.01.11 that shall be used to evaluate the variance request. All five of the criteria must be met in order to approve the variance.

The first criterion requires that special conditions exist that are peculiar to the land or structure, and that literal enforcement of the regulations would result in unwarranted hardship. The majority of the lot and the existing dwelling are located within the 100 foot buffer and no alternative exists to locate outside the buffer; therefore, literal enforcement of the regulations would result in unwarranted hardship.

The second criterion requires that a literal enforcement of the regulations would deprive the applicant of rights commonly enjoyed by other properties in similar areas within the Critical Area. Variance requests involving similar structures and circumstances have been granted by this Department; therefore, literal enforcement of the regulations would deprive the applicant of rights commonly enjoyed by other properties in similar areas within the Critical Area.

